

City of Jonesboro City Council
Staff Report – RZ 16-07: 1410 E. Highland Rezoning
 Municipal Center - 300 S. Church St.
For Consideration by the Council on May 17, 2016

REQUEST: To consider a rezoning of the land containing 2.15 acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from "R-1" Single Family Residential to "C-4, L.U.O" Neighborhood Commercial District.

A request to consider recommendation to Council for a rezoning of a previously approved "C-4 L.U.O" amendment.

APPLICANT/ OWNER: Roundtable Holdings, LLC 3410 E. Johnson Ave. Suite "H" Jonesboro, AR

LOCATION: 1400 – 1410 East Highland Dr. Jonesboro, AR

SITE *Tract Size:* Approx.: 2.15 +/- Acres (93,517 Sq FT.)

DESCRIPTION: *Frontage:* 314.01 Ft. along Highland Dr./ 324.78 Ft. along Hillcrest St.

Topography: Downward sloping and flat

Existing Development: Currently a vacated fuel station

SURROUNDING CONDITIONS:

ZONE

North: R-1
 South: C-4 L.U.O
 East: C-4
 West: R-1

LAND USE

Hillcrest Visual and Performing Arts School
 Undeveloped
 Iberia Bank
 Single-Family Residential

HISTORY: Property rezoned by Council on August 6, 2013 as C-4 L.U.O. with Conditions

ZONING ANALYSIS:

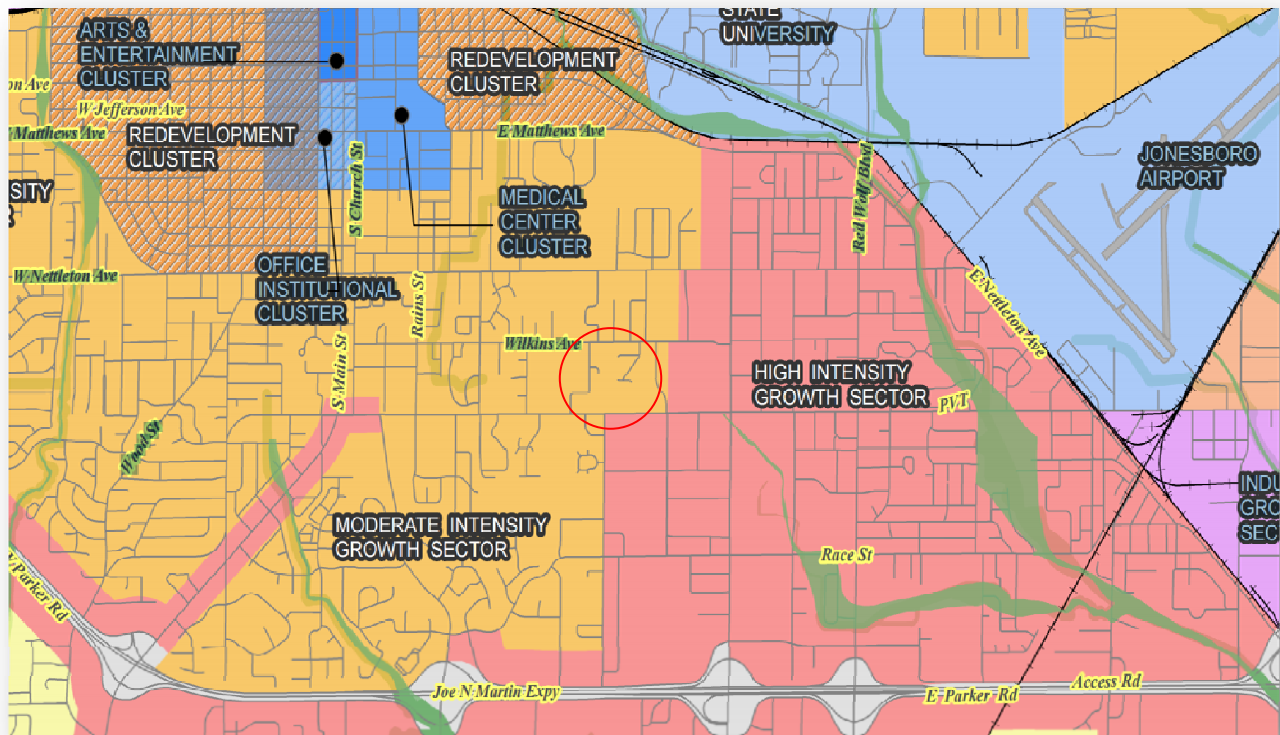
City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

COMPREHENSIVE PLAN LAND USE MAP:

The Current/Future Land Use Map recommends this location as a High Intensity Growth Sector (Special Overall District Only). With the suggested Limited Use Overlay, the MAPC will be afforded an opportunity to gain more detailed information that will give assurance of a well-designed infill development that will enhance the area.

High Intensity Recommended Use Types Include:

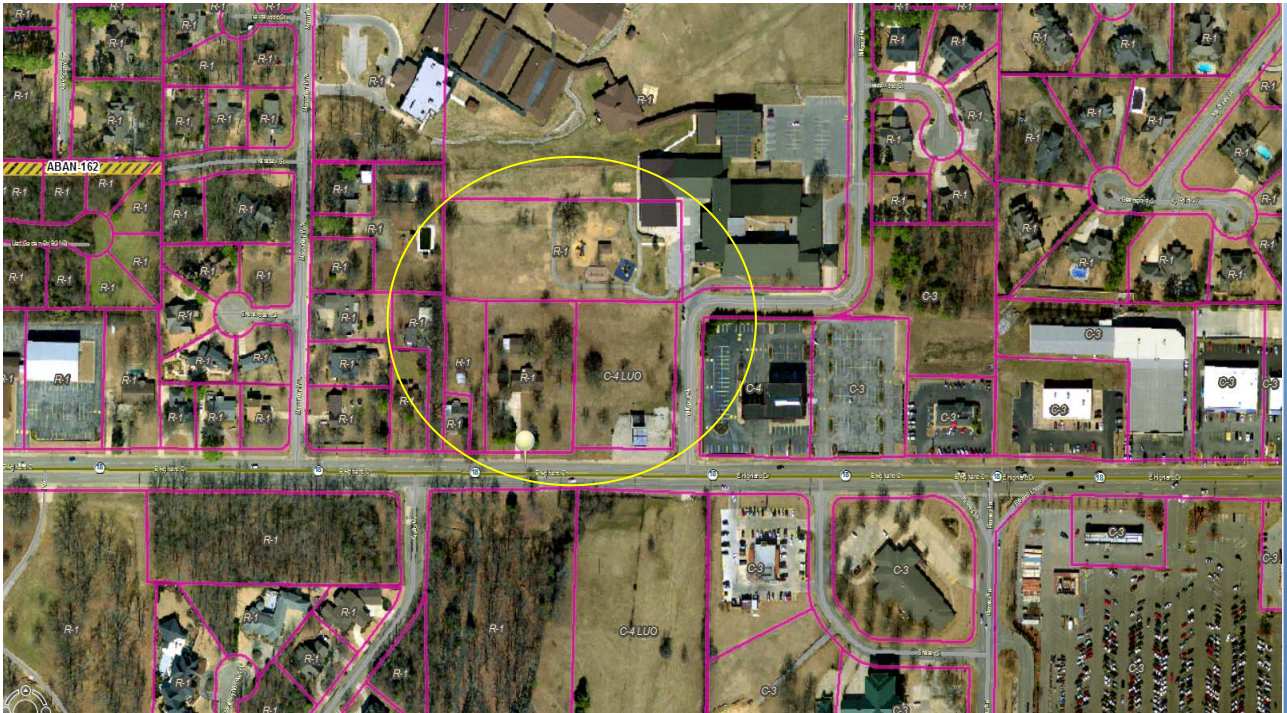
- *Regional Shopping Centers*
- *Automotive Dealerships*
- *Outdoor Display Retail*
- *Fast Food Restaurants*
- *Multi-Family*
- *Service Stations*
- *Commercial and Office*
- *Call Centers*
- *Research and Development*
- *Medical*
- *Banks*
- *Big Box Commercial*
- *Hotel*



Land Use Map

Master Street Plan








The subject project site is served by Highland Drive, categorized as a Principal Arterial on the Jonesboro Master Street Plan. The applicant will be required to adhere to the Master Street Plan recommendations.



Aerial/Zoning Map

Approval Criteria- Chapter 117 - Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the MAPC or City Council in reaching a decision. The criteria to be considered shall include, but not be limited to the following list on the next page.

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed rezoning is consistent with the Adopted Land Use Plan, which is recommended as Moderate Intensity Growth Sector.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal achieves consistency with the purpose of Chapter 117. The applicant proposes to rezone the property to “C-4” L.U.O so they can open a restaurant. The current zoning does not allow them to do that.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. Similar zoning exist in the region. This is a commercial district with other restaurants and banks already located next to and across the street from the property.	
(d) Suitability of the subject property for the uses to which it has been restricted without the amendment;	The owners are wanting to develop the property with supportive retail restaurant, however due to Corporate Design Requirements/Imagery/Branding.	
(e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation	The applicant has stated that there would be no negative impact on nearby property.	
(f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and	The property is undeveloped with the exception of an old nonconforming use gas station that is no longer open. The land was zoned R-1 and C-4 L.U.O at the time of purchase by the applicant.	
(g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services	The applicant has stated that there would be no negative impact on nearby property.	

The Applicant specified the allowable uses as: *Automated teller machine, bank or financial institution, medical service or office, office/general, retail and retail/service Restaurant General & Fast, with outward residential appearance waived, and Parking.*

STAFF FINDINGS:

APPLICANTS PURPOSE:

The applicant is requesting approval of rezoning that will promote a commercial use of the subject property. With recent commercial growth in this area, this tract is a premier location for commercial development. The site is no longer conducive to single family development due to the expanse and variation of commercial development.

ZONING CODE ANALYSIS:

The applicant proposes to rezoning additional land associated with the parent parcel under the subject C-4 Neighborhood Commercial District at a width of 75 ft. The original single family is not a set to be razed at this time, however Staff cautions that sufficient setback to the new west boundary to that structure needs to be coordinated. Otherwise some form of building setback variance may be needed.

Below is the permitted use table excerpt, which depicts the various uses allowed by-right or as a Conditional Use application. By default a number of the uses will not be allowed merely because of required size/space and minimal lot/bulk setback regulations. The applicant has proposed a rezoning to C-4 L.U.O. Staff has listed the permitted uses to be allowed within the development as follows:

Chapter 117 of the City Code of Ordinances/Zoning defines C-4/ Neighborhood Commercial District as follows:

Definition of C-4, Neighborhood Commercial District. This district provides for limited retail trade and services designed to serve adjacent residential neighborhoods, usually of a high or medium density character. Such districts should generally be limited to collector or arterial street locations or other carefully selected areas. Buildings are to be of residential character regarding outward appearance.

Departmental/Agency Reviews:

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information that will be updated in the coming days:

Department/Agency	Reports/ Comments	Status
Engineering	No issues were reported	
Streets/Sanitation	No issues were reported	
Police	Reported no issues.	
Fire Department	Reported no issues.	
MPO	Reported no issues.	
Jets	Reported no issues.	
Utility Companies	Reported no issues.	

Zoning Code Allowable Uses:

The City of Jonesboro Zoning Resolution includes a list of permitted uses within C-4 Districts as follows. Certain commercial uses are permitted as of right- “P”, while others require a Conditional Use- “C” approval by the MAPC, or not permitted where blank within the Zoning Ordinance Chapter 117:

List of C-4 Commercial Uses	C-4 Neighborhood Commercial District	List of C-4 Commercial Uses	C-4 Neighborhood Commercial District
Civic and Commercial Uses		Civic and Commercial Uses	
Animal care, general	C	Museum	P
Animal care, limited	P	Nursing home	P
Automated teller machine	P	Office, general	P
Bank or financial institution	P	Parks and recreation	P
Bed and breakfast	P	Post office	P
Carwash	C	Recreation/Entertainment Indoor	C
Cemetery	P	Recreation/Entertainment Outdoor	C
Church	P	Restaurant, fast-food	C
College or university	P	Restaurant, general	P
Communication Tower	C	Retail/service	C
Convenience store	P	Safety services	P
Day care, limited (family home)	P	School, elementary, middle and high	P
Day care, general	P	Service station	C
Funeral home	C	Sign, off-premises	C
Golf course	P	Utility, major	C
Government service	P	Utility, minor	P
Hospital	P	Vehicle repair, limited	C
Library	P	Vocational school	C
Medical service/office	P		

RECORD OF PROCEEDINGS: Public Hearing Held by the MAPC on May 10, 2016:

Applicant: Mr. George Hamman, Civilogic- Appeared before the Commission noting that he prepared the plat and application, and has been through the staff report, and they do not find anything that we opposed- with the exception of Condition Number 2.

Mr. Hamman gave case history: Noting that the bulk of this property was rezoned in 2013. The same lady owned all three properties including the convenient store/gas station and the 2 homes to the west. Roundtable Holdings has bought all 3 properties. She originally rezoned this as C-4 Quiet Commercial, and that it would have a residential character to it and she had no intention to move. That's why she requested what she did in 2013. We want to ask MAPC to waive the outward residential appearance of C-4 and include in the list of allowable uses- a restaurant (Newk's). A site plan was shown to show the building location and entrance off of Highland Dr. with possibly a bank to be sited on the corner. We ask that stipulation number 2 be removed and we would work with staff to make sure the plans are completed in accordance.

Mr. Spriggs: The applicant as noted that the rezoning was done in 2013. Mr. Spriggs made reference to the Ordinance of 2013 attached to the agenda. The acreage that is added is 75 ft. to the west of the original land to be used for parking as shown on the layout. We are requested to modify the stipulations of the original ordinance and the question was the *residential appearance*. Newk's has branding requirements and architectural criteria; therefore, it would be difficult to improve the property with a *residential appearance*. The scale of the use would still be residential at 1-story in height. This layout could be attached as approved contingent of Council approving this amendment and zone amendment.

Mr. Spriggs added: The Land Use Plan recommendation of Moderate Intensity Growth Sector is in compliance. The use would fit into that character area. This would be considered a quiet type Commercial use. The Master Street Plan would have to be complied with. No other department or agencies have noted issues with this rezoning. There were questions raised by the School system to assure no hardship is imposed on the student drop/off and pick up. That would need to be coordinated. The six conditions were read (Number 2 was excluded). Any parking lots would have to screen any residential to remain to the west. Access management controls need to be implemented.

Public Input: None.

Mr. Kelton asked in lieu of excluding condition No. 2, what is the size of the building. **Mr. Hamman:** Square footage for Newk's will be 4,450 Sq. Ft., a little smaller than the other location northeast of town in addition to the bank use on the corner lot.

Mr. Bailey made a motion to approve the rezoning and recommend approval to Council with the noted conditions and any site plan changes would come back to the MAPC; Seconded by **Mr. Stipling**.

Roll Call Vote: 8-0 Approval. Mr. Hoelscher- Aye; Mr. Bailey- Aye; Mr. Stripling- Aye; Mr. Kelton- Aye; Scurlock- Aye; Mr. Reece- Aye; Mr. Cooper- Aye; Mr. Perkins- Aye; Mr. Roberts was chair.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 16-07 a request to modify the original “C-4” L.U.O. restriction of residential face, while maintaining residential in mass and scale and to rezoning rezone the adjacent tract from “R-1” Single Family to “C-4”, L.U.O., General Commercial District, Limited Use Overlay; the following conditions are recommended:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design manual and Flood Plain Regulations.
2. Adequate visual screening shall be provided to buffer all surrounding residential uses remaining.
3. If and when possible, consolidated curb cuts shall be adhered to and from the site, to allow cross access to other adjacent future developed neighboring tracts of land.
4. A replat shall be required and must comply with the master street plan.
5. Uses shall be limited to automated teller machine, bank or financial institution, medical service or office, office/general, retail and retail/service Restaurant General & Fast with outward residential appearance waived, and Parking.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director



View looking west on Highland toward Site



View looking west on Highland toward Site



View looking west on Highland toward Site



View looking west on Highland toward Site



View looking west on Highland at Site



View looking west on Highland, Site on Right



View looking North from Highland onto Site



View looking Southeast across Highland from Site



View looking across Highland from Site



View looking North along Hillcrest Dr. at School



View looking East



View looking West



View from Site looking South



View looking North at Site